15

HIGH COURT OF CHHATTISGARH, BILASPUR

M.A.(C). No. 242 of 2007

Single Bench : Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Appellants Claimant	:	1.	Bhupendra S/o Ashok Patel, aged about 9 years, Minor through his natural guardian Sukhbati, W/o Ashok Patel, aged about 40 years, R/o Makeshwar Ward, Dhamtari, Tahsil and District Dhamtari (C.G.)
			Versus
Respondents Non-Claimants	:	1.	Krishna Chand, S/o Budhiyar Sahu, aged about 32 years, R/o Banshpara, Narharpur, Tahsil Narharpur, District Kanker (C.G.)
	:	2.	Govardhan Lal, S/o Kaliram Jain (Sinha) R/o Village Kishanpuri, Tahsil Narharpur, District Kanker (C.G.).
	:	3.	National Insurance Company Limited, G.E. Road, Raipur, District Raipur (C.G.)

APPEAL UNDER SECTION 173 OF MOTOR VEHICLE ACT

Present:
Smt. Indira Tripathi, counsel for the appellant/claimant.
Shri Dashrath Gupta, counsel for respondent No.1/Insurance-Company.

ORAL ORDER
(Passed on 03.8.2007)

Being aggrieved by the award dated 25.01.2007 passed in Claims Case No.06 of 2006 by Motor Accidents Claims Tribunal, Dhamtari (henceforth, 'the M.A.C.T.) whereby a sum of Rs.40,200/- has been awarded towards compensation, the appellant/claimant has preferred this appeal for enhancement.

2. During the course of arguments, a settlement was arrived at amicably between the appellant and insurance-company wherein the learned counsel for the respondent/insurer agreed to pay an additional sum of Rs.21,000/- as compensation to the claimants besides the sum already awarded by the M.A.C.T.

3. In view of the amicable settlement arrived at between the appellant and the insurance-Company, the award passed by the M.A.C.T. Dhamtari in Claim Case No. 06 of 2006 is modified. In addition to the amount already awarded by the M.A.C.T., an additional sum of Rs.21,000/- is awarded which shall be deposited by the insurance-Company in the M.A.C.T. within one month from today, failing which, the insurance-Company shall also be liable to pay interest @ 6% per annum from the date of application till realisation.

4. With the aforesaid direction, the appeal stands disposed of. A copy of this order be sent forthwith to the M.A.C.T.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Anjani